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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,903	10/15/2001	Jason Lee Crouse	18617-0001	9491

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EXAMINER

WONG, STEVEN B

ART UNIT	PAPER NUMBER
3711	

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/890,903	Applic.(s) Crouse	Examiner Steven Wong	Art Unit 3711	CH
					

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Oct 15, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-4 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>6</u>	20) <input type="checkbox"/> Other: _____

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***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolodney et al. Regarding claim 1, Kolodney et al. disclose a golf tee comprising a base (12) having upper and lower faces and a plurality of bristles (19) extending from the base in a vertical orientation to support a golf ball. It would have been obvious to one of ordinary skill in the art to provide the annular surface of Kolodney et al. with an inside radius of 5 mm and outside radius of 7.5 mm as the applicant has not shown the criticality for the claimed dimensions and it appears that the dimensions shown by Kolodney et al. would accomplish similar purposes.

Regarding claim 2, it would have been obvious to one of ordinary skill in the art to provide the clusters with 10 to 25 bristles in order to properly support the golf ball.

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Regarding claim 3, it would have been obvious to one of ordinary skill in the art to form the bristles of Kolodney et al. from nylon with a thickness of 0.4 mm in order to properly support the golf ball and take advantage of that material's well known physical characteristics.

Regarding claim 4, the upper face of the base is circular. It would have been obvious to one of ordinary skill in the art to form the width of the base be 18 mm as the applicant has not shown the criticality of the claimed dimension and it appears that the width taught by Kolodney et al. would accomplish similar purposes.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fariest. Regarding claim 1, Fariest disclose a golf tee comprising a base having upper and lower faces and a plurality of bristles extending from the base in a vertical orientation to support a golf ball. It would have been obvious to one of ordinary skill in the art to provide the annular surface of Fariest with an inside radius of 5 mm and outside radius of 7.5 mm as the applicant has not shown the criticality for the claimed dimensions and it appears that the dimensions shown by Fariest would accomplish similar purposes.

Regarding claim 2, it would have been obvious to one of ordinary skill in the art to provide the clusters with 10 to 25 bristles in order to properly support the golf ball.

Regarding claim 3, it would have been obvious to one of ordinary skill in the art to form the bristles of Fariest from nylon with a thickness of 0.4 mm in order to properly support the golf ball and take advantage of that material's well known physical characteristics.

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Regarding claim 4, the upper face of the base is circular. It would have been obvious to one of ordinary skill in the art to form the width of the base be 18 mm as the applicant has not shown the criticality of the claimed dimension and it appears that the width shown by Fariest would accomplish similar purposes.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is (703) 308-3135.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Official responses, subject to the provisions of 37 C.F.R. 1.6(d), can be faxed to (703) 305-3579.

Unofficial faxes which are meant for discussion purposes only should be sent to (703) 308-7768. It is strongly suggested that the examiner be contacted directly before sending any unofficial fax.

*Steven Wong*  
Primary Examiner  
Art Unit 3711

SBW  
April 19, 2002